

## PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

## PCT

FIRST NOTICE INFORMING THE APPLICANT OF  
THE COMMUNICATION OF THE INTERNATIONAL  
APPLICATION (TO DESIGNATED OFFICES WHICH  
DO NOT APPLY THE 30 MONTH TIME LIMIT  
UNDER ARTICLE 22(1))

(PCT Rule 47.1(c))

To:

IWATANI, Ryo  
Sakurabashi Chiyoda Build., 5F, 1-27, Dojima 2-chome,  
Kita-ku, Osaka-shi, Osaka  
5300003  
JAPON

Date of mailing (*day/month/year*)

20 January 2005 (20.01.2005)

Applicant's or agent's file reference

S07F1401

## IMPORTANT NOTICE

International application No.

PCT/JP2004/006548

International filing date (*day/month/year*)

14 May 2004 (14.05.2004)

Priority date (*day/month/year*)

19 June 2003 (19.06.2003)

Applicant

SUNTORY LIMITED et al

1. **ATTENTION:** For any designated Office(s), for which the time limit under Article 22(1), as in force from 1 April 2002 (30 months from the priority date), **does apply**, please see Form PCT/IB/308(Second and Supplementary Notice) (to be issued promptly after the expiration of 28 months from the priority date).

2. Notice is hereby given that the following designated Office(s), for which the time limit under Article 22(1), as in force from 1 April 2002, **does not apply**, has/have requested that the communication of the international application, as provided for in Article 20, be effected under Rule 93bis.1. The International Bureau has effected that communication on the date indicated below:  
29 December 2004 (29.12.2004)

CH

In accordance with Rule 47.1(c-bis)(i), those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

3. The following designated Offices, for which the time limit under Article 22(1), as in force from 1 April 2002, **does not apply**, have not requested, as at the time of mailing of the present notice, that the communication of the international application be effected under Rule 93bis.1:

LU, SE, TZ, UG, ZM

In accordance with Rule 47.1(c-bis)(ii), those Offices accept the present notice as conclusive evidence that the Contracting State for which that Office acts as a designated Office does not require the furnishing, under Article 22, by the applicant of a copy of the international application.

**4. TIME LIMITS for entry into the national phase**

For the designated Office(s) listed above, and unless a demand for international preliminary examination has been filed before the expiration of **19 months** from the priority date (see Article 39(1)), the applicable time limit for entering the national phase will, **subject to what is said in the following paragraph**, be **20 MONTHS** from the priority date.

In practice, **time limits other than the 20-month time limit** will continue to apply, for various periods of time, in respect of certain of the designated Offices listed above. For **regular updates on the applicable time limits** (20 or 21 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pct/en/index.html>.

It is the applicant's **sole responsibility** to monitor all these time limits.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No.+41 22 740 14 35

Authorized officer

Yoshiko Kuwahara

Facsimile No.+41 22 338 90 90

## PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

## PCT

SECOND AND SUPPLEMENTARY NOTICE  
INFORMING THE APPLICANT OF THE  
COMMUNICATION OF THE INTERNATIONAL  
APPLICATION (TO DESIGNATED OFFICES  
WHICH APPLY THE 30 MONTH TIME  
LIMIT UNDER ARTICLE 22(1))

(PCT Rule 47.1(c))

To:

IWATANI, Ryo  
ORIX Dojima Bldg. 3F  
1-31, Dojima 2-chome  
Kita-ku  
Osaka-shi, Osaka 5300003  
JAPON

Date of mailing (day/month/year)

20 October 2005 (20.10.2005)

Applicant's or agent's file reference

S07F1401

## IMPORTANT NOTICE

International application No.

PCT/JP2004/006548

International filing date (day/month/year)

14 May 2004 (14.05.2004)

Priority date (day/month/year)

19 June 2003 (19.06.2003)

Applicant

SUNTORY LIMITED et al

1. **ATTENTION:** For any designated Office(s), for which the time limit under Article 22(1), as in force from 1 April 2002 (30 months from the priority date), **does not apply**, please see Form PCT/IB/308(First Notice) issued previously.

2. Notice is hereby given that the following designated Office(s), for which the time limit under Article 22(1), as in force from 1 April 2002, **does apply**, has/have requested that the communication of the international application, as provided for in Article 20, be effected under Rule 93bis.1. The International Bureau has effected that communication on the date indicated below:  
29 December 2004 (29.12.2004)

AU, AZ, BY, CN, CO, DZ, EP, HU, KG, KP, KR, MD, MK, MZ, NA, RU, SY, TM, US

In accordance with Rule 47.1(c-bis)(i), those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

3. The following designated Offices, for which the time limit under Article 22(1), as in force from 1 April 2002, **does apply**, have not requested, as at the time of mailing of the present notice, that the communication of the international application be effected under Rule 93bis.1:

AE, AG, AL, AM, AP, AT, BA, BB, BG, BR, BW, BZ, CA, CR, CU, CZ, DE, DK, DM, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LV, MA, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SG, SK, SL, TJ, TN, TR, TT, UA, UZ, VC, VN, YU, ZA, ZW

In accordance with Rule 47.1(c-bis)(ii), those Offices accept the present notice as conclusive evidence that the Contracting State for which that Office acts as a designated Office does not require the furnishing, under Article 22, by the applicant of a copy of the international application.

#### 4. TIME LIMITS for entry into the national phase

For the designated or elected Office(s) listed above, the applicable time limit for entering the national phase will, **subject to what is said in the following paragraph**, be **30 MONTHS** from the priority date.

In practice, **time limits other than the 30-month time limit** will continue to apply, for various periods of time, in respect of certain of the designated or elected Office(s) listed above. For **regular updates on the applicable time limits** (30 or 31 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pct/en/index.html>.

It is the applicant's **sole responsibility** to monitor all these time limits.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No.+41 22 740 14 35

Authorized officer

Yoshiko Kuwahara

Facsimile No.+41 22 338 90 90

## PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION CONCERNING  
TRANSMITTAL OF COPY OF INTERNATIONAL  
PRELIMINARY REPORT ON PATENTABILITY  
(CHAPTER I OF THE PATENT COOPERATION  
TREATY)

(PCT Rule 44bis.1(c))

To:

IWATANI, Ryo  
ORIX Dojima Bldg. 3F  
1-31, Dojima 2-chome  
Kita-ku  
Osaka-shi, Osaka 5300003  
JAPON

Date of mailing (*day/month/year*)

05 January 2006 (05.01.2006)

Applicant's or agent's file reference

S07F1401

## IMPORTANT NOTICE

International application No.

PCT/JP2004/006548

International filing date (*day/month/year*)

14 May 2004 (14.05.2004)

Priority date (*day/month/year*)

19 June 2003 (19.06.2003)

Applicant

SUNTORY LIMITED et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Yoshiko Kuwahara

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 90 90

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference S07F1401	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/JP2004/006548	International filing date ( <i>day/month/year</i> ) 14 May 2004 (14.05.2004)	Priority date ( <i>day/month/year</i> ) 19 June 2003 (19.06.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SUNTORY LIMITED		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	<p>This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 20%;">Box No. I</td> <td style="width: 70%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																							
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<input type="checkbox"/>	Box No. VII	Certain defects in the international application																							
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 740 14 35</p>	<p>Date of issuance of this report 19 December 2005 (19.12.2005)</p> <p>Authorized officer  Yoshiko Kuwahara</p> <p>Telephone No. +41 22 338 90 90</p>
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特許協力条約

発信人 日本国特許庁 (国際調査機関)

出願人代理人  岩谷 龍  あて名  〒 530-0003  大阪府大阪市北区堂島2丁目1番27号 桜橋千代田ビル5階	様
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RECEIVED	
05 AUG 2004	
WIPO	PCT

PCT  
国際調査機関の見解書  
(法施行規則第40条の2)  
[PCT規則43の2.1]

発送日  
(日.月.年) 03. 8. 2004

出願人又は代理人 の書類記号	S 07 F 1401	今後の手続きについては、下記2を参照すること。
国際出願番号 PCT/J P 2004/006548	国際出願日 (日.月.年) 14. 05. 2004	優先日 (日.月.年) 19. 06. 2003
国際特許分類 (IPC) Int. Cl <sup>7</sup> A23L1/30, A61K31/352, 35/78, A61P3/00, 43/00		
出願人 (氏名又は名称) サントリー株式会社		

1. この見解書は次の内容を含む。

- ☒ 第I欄 見解の基礎
- ☐ 第II欄 優先権
- ☐ 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第IV欄 発明の単一性の欠如
- ☒ 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☒ 第VI欄 ある種の引用文献
- ☐ 第VII欄 国際出願の不備
- ☐ 第VIII欄 国際出願に対する意見

2. 今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT/ISA/220を参照すること。

3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

見解書を作成した日 23. 07. 2004			
名称及びあて先 日本国特許庁 (ISA/J P) 郵便番号100-8915 東京都千代田区霞が関三丁目4番3号	特許庁審査官 (権限のある職員) 鈴木 恵理子	4N	8114
電話番号 03-3581-1101 内線 3448			

様式PCT/ISA/237 (表紙) (2004年1月)

## 第 I 欄 見解の基礎

1. この見解書は、下記に示す場合を除くほか、国際出願の言語を基礎として作成された。

- ☐ この見解書は、\_\_\_\_\_ 語による翻訳文を基礎として作成した。  
それは国際調査のために提出された PCT 規則 12.3 及び 23.1(b) にいう翻訳文の言語である。

2. この国際出願で開示されかつ請求の範囲に係る発明に不可欠なヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

- a. タイプ ☐ 配列表  
☐ 配列表に関連するテーブル
- b. フォーマット ☐ 書面  
☐ コンピュータ読み取り可能な形式
- c. 提出時期 ☐ 出願時の国際出願に含まれる  
☐ この国際出願と共にコンピュータ読み取り可能な形式により提出された  
☐ 出願後に、調査のために、この国際調査機関に提出された

3. ☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

4. 補足意見：

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性 (N)	請求の範囲		有 無
	請求の範囲	1-36	
進歩性 (IS)	請求の範囲		有 無
	請求の範囲	1-36	
産業上の利用可能性 (IA)	請求の範囲	1-36	有 無
	請求の範囲		

2. 文献及び説明

引用文献1 : JP 2001-106634 A (鈴木信孝、小濱隆文、松下祐治) 2001.04.17  
& US 6372266 B1

引用文献2 : JP 2003-95964 A (株式会社東洋新薬) 2003.04.03  
(ファミリーなし)

引用文献3 : JP 2002-338464 A (キッコーマン株式会社) 2002.11.27  
(ファミリーなし)

引用文献4 : JP 2003-334022 A (株式会社東洋新薬) 2003.11.25  
(ファミリーなし)

請求の範囲1-36について

国際調査報告で引用した文献1の第3頁第3～20行には、オリゴメリックプロアントシアニジン为主体としたフランス海岸松樹皮抽出物の薬理効果は多彩であり、例えば、こむら返りの治療、慢性疲労症候群の改善、治療に用いられることが記載されており、また同第2頁右欄第30～35行には、世界的に広く栄養補助食品として使用されることが記載されている。

したがって、請求の範囲1-36の発明には、新規性がない。

第VI欄 ある種の引用文献

1. ある種の公表された文書(PCT規則43の2.1及び70.10)

出願番号 特許番号	公知日 (日. 月. 年)	出願日 (日. 月. 年)	優先日 (有効な優先権の主張) (日. 月. 年)
JP 2003-334022 A [P X]	25. 11. 2003	17. 05. 2002	

2. 書面による開示以外の開示(PCT規則43の2.1及び70.9)

書面による開示以外の開示の種類	書面による開示以外の開示の日付 (日. 月. 年)	書面による開示以外の開示に言及している 書面の日付 (日. 月. 年)



From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

IWATANI, Ryo  
ORIX Dojima Bldg. 3F  
1-31, Dojima 2-chome  
Kita-ku  
Osaka-shi, Osaka 5300003  
JAPON

Date of mailing ( <i>day/month/year</i> ) 04 May 2006 (04.05.2006)	
Applicant's or agent's file reference S07F1401	IMPORTANT NOTIFICATION
International application No. PCT/JP2004/006548	International filing date ( <i>day/month/year</i> ) 14 May 2004 (14.05.2004)
Applicant SUNTORY LIMITED et al	

## 1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

## 2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yoshiko Kuwahara
Facsimile No.+41 22 740 14 35	Facsimile No.+41 22 338 90 90

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference S07F1401	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/JP2004/006548	International filing date ( <i>day/month/year</i> ) 14 May 2004 (14.05.2004)	Priority date ( <i>day/month/year</i> ) 19 June 2003 (19.06.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SUNTORY LIMITED		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 740 14 35	Date of issuance of this report 24 April 2006 (24.04.2006)  Authorized officer  <div style="text-align: center; font-weight: bold;">Yoshiko Kuwahara</div>  Telephone No. +41 22 338 90 90
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# PATENT COOPERATION TREATY

TRANSLATION

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

**S07F1401**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/JP2004/006548**

International filing date (day/month/year)

**14.05.2004**

Priority date (day/month/year)

**19.06.2003**

International Patent Classification (IPC) or both national classification and IPC

Applicant

**SUNTORY LIMITED**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/IP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/006548

Box No. I      Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format  
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2004/006548

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	_____	YES
	Claims	1-36	NO
Inventive step (IS)	Claims	_____	YES
	Claims	1-36	NO
Industrial applicability (IA)	Claims	1-36	YES
	Claims	_____	NO

**2. Citations and explanations:**

Document 1: JP, 2001-106634, A (Nobutaka Suzuki, Takafumi Kohama and Yuji Matsushita), 17 April, 2001 (17.04.01), & US, 6372266, B1  
 Document 2: JP, 2003-95964, A (Toyo Shinyaku Co., Ltd.), 3 April, 2003 (03.04.03) (Family: none)  
 Document 3: JP, 2002-338464, A (Kikkoman Corp.), 27 November, 2002 (27.11.02) (Family: none)  
 Document 4: JP, 2003-334022, A (Toyo Shinyaku Co., Ltd.), 25 November, 2003 (25.11.03) (Family: none)

**Claims 1-36**

Document 1 (page 3, lines 3-20) cited in the ISR describes that the bark extract of *Pinus pinaster* (*Pinus maritima*) mainly containing oligomeric proanthocyanidin has diverse pharmacological effects, and is, for example, used for curing the muscle spasms of triceps surae and improving and curing chronic fatigue syndrome. Furthermore, the document (page 2, right column, lines 30-35) describes that it is widely used as a nutrition supplement in the world.

Therefore, the subject matters of claims 1-36 do not appear to be novel.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/006548

Box No. VI Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
JP 2003-334022 A [PX]	25.11.2003	17.05.2002	

2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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